

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WORLDWIDE EQUIPMENT, INC.	:	CASE NO. C-1-01-747
	:	(Judge Timothy S. Black)
Plaintiff/Counterclaim	:	
Defendant	:	
	:	
v	:	
	:	
MILLER INDUSTRIES, INC.	:	
	:	
Defendant/Counterclaim	:	
Plaintiff	:	
	:	
_____	:	
WORLDWIDE EQUIPMENT, INC.	:	<u>THIRD PARTY DEFENDANT,</u>
	:	<u>FONTAINE MODIFICATION CO.'S,</u>
Counterclaim Defendant/	:	<u>MOTION TO EXTEND DISCOVERY</u>
Third Party Plaintiff	:	<u>DEADLINE AND DISPOSITIVE</u>
	:	<u>MOTION DEADLINE</u>
	:	
v	:	
	:	
FONTAINE MODIFICATION CO.	:	
	:	
Third Party Defendant	:	
	:	
_____	:	

Third Party Defendant, Fontaine Modification Co. ("Fontaine Modification") hereby moves this Court for an order extending the deadline for discovery and dispositive motions up to and including sixty (60) days beyond the current deadline of May 24, 2004, and June 25, 2004 respectively. A Memorandum in Support is attached hereto.

Respectfully submitted,

s/Gordon D. Arnold

Gordon D. Arnold #0012195

FREUND, FREEZE & ARNOLD

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Attorney for Third Party Defendant,

Fontaine Modification Company

MEMORANDUM

Fontaine Modification requested documents from Worldwide Equipment, Inc. (“Worldwide”) and Miller Industries, Inc. (“Miller”). After several extensions of time to respond, Worldwide and Miller produced documents to Fontaine Modification. Fontaine Modification spent much time and effort trying to reconcile Worldwide’s and Miller’s documents against Fontaine Modification’s documents. At the end of this frustrating process, Fontaine Modification was not able to reconcile these documents against each other. Fontaine Modification’s position, after reviewing all of the documents produced and their own internal documents, is that Fontaine Modification’s documents do not show that Fontaine Modification owes for two additional truck bodies and Worldwide and Miller’s documents do not clearly show that Fontaine Modification owes or does not owe for two additional truck bodies. Because the production of documents and the reconciliation of those documents against Fontaine Modification’s documents took longer than expected, Fontaine Modification has not had an opportunity to depose key witnesses in this case within the discovery deadline of May 24, 2004.

Based on the foregoing, Fontaine Modification respectfully moves this Court for an order granting Fontaine Modification’s request for an extension of the deadline for discovery up through and including sixty (60) days beyond the current deadline of May 24, 2004. Also, if the discovery deadline is extended sixty (60) days for the reasons stated herein, then Fontaine Modification respectfully requests that the dispositive motions deadline also be adjusted forward by sixty (60) days accordingly.

Respectfully submitted,

s/Gordon D. Arnold
Gordon D. Arnold #0012195
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing has been served upon Peter J. Stautberg, Attorney for Worldwide Equipment, Inc., 1400 Provident Tower, One East Fourth Street, Cincinnati, OH 45202; and W. Breck Weigel, Attorney for Miller Industries, Inc., Suite 2100 Atrium Two, 221 East Fourth Street, Cincinnati, OH 45202, this 21st day of May, 2004, via e-mail notice of electronic filing..

s/Gordon D. Arnold
Gordon D. Arnold